

# Court of Appeals, State of Michigan

## ORDER

Eric A. Braverman v Garden City Hospital

Helene N. White  
Presiding Judge

Docket No. 264029; 264091

Mark J. Cavanagh

Peter D. O'Connell

LC No. 05-502345-NH

Henry William Saad

Donald S. Owens

Joel P. Hoekstra

Jessica R. Cooper  
Judges

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By order dated September 8, 2006, a special panel was convened to resolve the conflict between this consolidated set of cases and *Verbrugghe v Select Specialty Hosp – Macomb Co, Inc*, 270 Mich App 383; 715 NW2d 72 (2006). Pursuant to MCR 7.215(J)(5), that order vacated only Section III of the August 15, 2006, opinion in these consolidated cases.

Appellant Garden City Hospital has filed a motion for reconsideration of Section V of the opinion of August 15, 2006. The court rule does not explicitly address this circumstance. The rule states only: "The special panel shall limit its review to resolving the conflict that would have been created but for the provisions of subrule (1) and applying its decision to the case at bar. \* \* \* The special panel shall return to the original panel for further consideration any remaining, unresolved issues, as the case may require." MCR 7.215(J)(5).

The Court orders that the motion for reconsideration of Section V of the opinion should be submitted to the original panel *after* the conflict opinion is issued. In the interim, answers to the motion for reconsideration shall be filed within 14 days of the Clerk's certification of this order. The Clerk's Office is directed to submit the motion for reconsideration and any answers to the original panel not earlier than 21 days after the conflict opinion is issued. At the time of the submission, the Clerk's Office shall notify the original panel if a motion for reconsideration of the conflict opinion has been filed.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 20 2006  
Date

*Sandra Schultz Mengel*  
Chief Clerk